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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,904	12/01/2003	J. Rodney Walton	030412	3195
23696 7590 10/31/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER JAIN, RAJ K	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 10/31/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com  
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## Office Action Summary

**Application No.**

10/725,904

**Applicant(s)**

WALTON ET AL.

**Examiner**

Raj K. Jain

**Art Unit**

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 37-42 are objected to because of the following informalities: Change the word "machine" to "computer", furthermore, it is suggested that claims 37 and 40 be rewritten possibly as follows;

"A computer readable medium having executable instructions to perform operations including:". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al (US 2005/0208959 A1)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 1, 2, 9, 20, 25, 30, 34, 37, 40 and 43, Chen discloses a method for processing information in a communication system (Fig. 6), comprising:

partitioning a control channel used for transmitting control information into a plurality of subchannels (Fig. 5, paras 93, 94, a power control channel is partitioned into subchannels into power control even or odd groups), each subchannel being operated at a specific data rate (Fig. 5, subchannel 1 operates at 400bps, subchannel operates at 400bps specific to each subchannel in this case); selecting, for each of one or more user terminals, one of the subchannels to be used for transmitting control information from an access point to the respective user terminal, based on one or more selection criteria (paras 93, 94, the FCPCCH is used with user specific signaling to adjust the transmit power for each wireless device via the FL-PC bits received from the wireless terminal); and transmitting control information from the access point to a particular user terminal on a particular subchannel selected for the respective user terminal (again paras 98, 105, FCPCCH is used to transmit power control information to each individual user on a particular subchannel for a given terminal).

Regarding claims 3, 4, 21, 31, and 38, Chen discloses each subchannel is associated with a specific set of operating parameters (para 46, 66).

Regarding claims 5, 22 and 32, Chen discloses plurality of subchannels are transmitted sequentially in an order from a subchannel with a lowest data rate to a subchannel with a highest data rate (Fig. 5B).

Regarding claims 6, 7 and 23, Chen discloses a subchannel that is transmitted first in the plurality of subchannels includes a field to indicate whether other subchannels are also being transmitted (para 65, a mode is defined to indicate specific subchannel usage).

Regarding claims 8, 19, 24, 27, 29, 33, and 39, Chen discloses the one or more selection criteria are selected from the group consisting of a first criterion corresponding to a link quality associated with the respective user terminal, a second criterion corresponding to quality of service requirements associated with the respective terminal, and a third criterion corresponding to a subchannel preference indicated by the respective terminal (para 46, 66).

Regarding claims 10, 11 and 26, Chen discloses performing a decoding procedure to decode the one or more subchannels, starting with a subchannel operated at a lowest data rate, until at least one of a plurality of conditions is met (para 67, decodes data at received data rate).

Regarding claims 12, 13, 35, 41 and 44, Chen discloses wherein the plurality of conditions includes a first condition indicating a failure to correctly decode one of the plurality of subchannels (para 67, upon decoding the receiver determines if decoded correctly or in error).

Regarding claims 14, and 15, Chen discloses the plurality of conditions includes a third condition indicating that all subchannels have been processed (para 102 reverse ack channel provides that the received info via given channel is processed correctly).

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Regarding claim 16, While Chen explicitly does not disclose a cyclic redundancy check (CRC) check, however, one skilled in the art will appreciate that CRC is inherent within a wireless system for improving quality of voice/data transmission within a link, thus Chen inherently incorporates CRC within its system.

Regarding claim 17, 28, 36, 42 and 45 Chen discloses determining whether control information designated for the user terminal is present in the respective subchannel, based on an identifier associated with the user terminal (para 77, the FDCCH has information relevant for each specific wireless subscriber).

Regarding claim 18, Chen discloses plurality of user devices 120 (Fig. 1) where each device inherently has a Medium Access Control (MAC) identifier assigned by the manufacturer of the device to uniquely identify each device.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj K. Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 25, 2007

***Raj K. Jain***

***/Raj K. Jain/***

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